

OPERATIONAL PROCEDURE FOR THE PROTECTION OF RESIDENT PRIVACY AND DATA SECURITY

I. PURPOSE

To assure that resident-specific data is exempt from public inspection and copying, or inadvertent disclosure.

II. AUTHORITY

[Chapter 42.17 RCW](#) - Disclosure

[Chapter 70.02 RCW](#) - Medical Records—Health Care Information Access & Disclosure

[45 CFR - Parts 160 and 164](#) – Federal Privacy Rule

III. OPERATIONAL PRINCIPLES

- A major goal of both federal and state privacy laws is to assure that resident health information is properly protected, while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being.
- Health care information is personal and sensitive information. If improperly used or released, it may do significant harm to a resident's interests.
- A central aspect of federal and state privacy rules is the principle of "minimum necessary".
- In order to retain the full trust and confidence of residents, the department must assure that health care information is not improperly disclosed.
- While conducting complaint and incident investigations, department staff will implement reasonable safeguards for the security of all resident health care information.

IV. OPERATIONAL PROCEDURES

- Individually identifiable resident information is information, including demographic data, that relates to:
 - the individual's past, present or future physical or mental health or condition,
 - the provision of health care to the individual, or
 - the past, present, or future payment for the provision of health care to the individual, and
 - that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g. name, address, birth date, Social Security number, etc.).
- RCS staff must not take either the original Complaint Resolution Unit (CRU) intake form or a copy of the intake into the facility while conducting investigation activities.

- Investigators will not routinely make copies of resident records, but keep any copying to the “minimum necessary”.
- During the course of a complaint/incident investigation, if the investigator makes any copies of resident records with individually identifiable resident information, copies will not be left unattended in a vehicle at any time.
- If theft of any investigator’s personal property or department owned equipment results in the potential for inadvertent disclosure of resident individually identifiable health information, immediately contact the Field Manager and consult with the Assistant Director as indicated.